

- 404.425 Provision for additional pilot.
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#### Subpart E—Penalties; Operations Without Registered Pilots

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- 404.600 Right to hearing.
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- 404.635 Evidence which shall be excluded.
- 404.640 Record for decision.
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#### Subpart G—Operating Requirements for U.S. Registered Pilots and Holders of Certificates of Authorization; Authority of the Director Over Operations

- 404.700 Operating requirements for U.S. registered pilots.
- 404.710 Operating requirements for holders of Certificates of Authorization.
- 404.720 Authority of the Director over operations.

AUTHORITY: 46 U.S.C. 6101, 7701, 8105, 9303, 9304; 49 CFR 1.45, 1.52. 33 CFR 404.105 also is issued under the authority of 44 U.S.C. 3507.

### Subpart A—General

#### § 404.100 Purpose.

The purpose of this part is to carry out those provisions of the Great Lakes Pilotage Act of 1960 (74 Stat. 259, 46 U.S.C. 216) relating to the registration of United States pilots, the formation of pools by voluntary associations of United States registered pilots and the establishment of rates, charges, and other conditions or terms for services

performed by registered pilots to meet the provisions of the Act.

[26 FR 951, Jan. 31, 1961. Redesignated at 61 FR 32655, June 25, 1996]

#### § 404.105 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

(a) *Purpose.* This section collects and displays the control numbers assigned to information collection and record-keeping requirements in this subchapter by the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act of 1980, (44 U.S.C. 3501 et seq.). The Coast Guard intends that this section comply with the requirements of 44 U.S.C. 3507(f) which requires that agencies display a current control number assigned by the Director of the OMB for each approved agency information collection requirement.

##### (b) *Display.*

46 CFR part of section where identified or described	Current OMB control No.
Part 404 .....	2115-0022

[49 FR 38122, Sept. 27, 1984. Redesignated at 61 FR 32655, June 25, 1996]

#### § 404.110 Definitions.

(a) As used in this chapter:

(1) *Act* means the Great Lakes Pilotage Act of 1960, as amended (Pub. L. 86-555, 74 Stat. 259-262; 46 U.S.C. 216 through 216i).

(2) *Administrator* means Administrator, St. Lawrence Seaway Development Corporation, 400 Seventh St., SW., Washington, DC 20590 or 180 Andrews St., Massena, NY 13662-1763.

(3) *Canadian Registered Pilot* means a person, other than a member of the regular complement of a vessel, who holds an appropriate Canadian license issued by an agency of Canada, and is registered by a designated agency of Canada on substantially the same basis as registration under the provisions of Subpart B of this part.

(4) *Movage* means the underway movement of a vessel in navigation from or to a dock, pier, wharf, dolphins, buoys, or anchorage other than a temporary anchorage for navigational or traffic purposes in such manner as

to constitute a distinct separate movement not a substantive portion of a translake movement on arrival or departure, within the geographic confines of a harbor or port complex within such harbor.

(5) *Great Lakes* means Lakes Superior, Michigan, Huron, Erie, and Ontario, their connecting and tributary waters, the St. Lawrence River as far east as Saint Regis, and adjacent port areas.

(6) *Other officer* means the master or any other member of the regular complement of the vessel concerned who is qualified for the navigation of those United States waters of the Great Lakes which are not designated by the President in Proclamation No. 3385 dated December 22, 1960 and who is either licensed by the Secretary or certificated by an appropriate agency of Canada.

(7) *Secretary* means the Secretary of Transportation or any person to whom he has delegated his authority in the matter concerned.

(8) *United States registered pilot* means a person, other than a member of the regular complement of a vessel, who holds a license authorizing navigation on the Great Lakes and suitably endorsed for pilotage on routes specified therein, issued under the authority of the provisions of Title 52 of the Revised Statutes, and who is also registered under the provisions of Subpart B of this part.

(9) *Director*, means Director, Great Lakes Pilotage, on the staff of the Administrator, St. Lawrence Seaway Development Corporation.

(10) Rate computation definitions:

(i) *Length* means the distance between the forward and after extremities of the ship.

(ii) *Breadth* means the maximum breadth to the outside of the shell plating of the ship.

(iii) *Depth* means the vertical distance at amidships from the top of the keel plate to the uppermost continuous deck, fore and aft, and which extends to the sides of the ship. The continuity of a deck shall not be considered to be affected by the existence of tonnage openings, engine spaces, or a step in the deck.

(11) *Person* includes an individual, registered pilot, partnership, corporation, association, voluntary association, authorized pool, or public or private organization, other than an agency.

(12) *Applicant Pilot* means a person who holds a license as a master, mate, or pilot issued under the authority of the provisions of Title 52 of the Revised Statutes, and has acquired at least twenty-four months licensed service or comparable experience on vessels or integrated tugs and tows, of 4,000 gross tons or over, operating on the Great Lakes or oceans, and who has applied for registration under the provisions of Subpart B of this part. Those persons qualifying with ocean service must have obtained at least six months of licensed service or comparable experience on the Great Lakes.

(13) *Applicant Trainee* means a person who is in training to become an Applicant Pilot with an organization authorized to provide pilotage services.

(14) *Pool* means an organization authorized to provide pilotage services.

(15) *Comparable experience* means experience that is similar to the experience obtained by serving as an officer on a vessel. Training and experience while participating in a pilot training program of an authorized pilot organization is considered equivalent on a day for day basis to experience as an officer on a vessel. The training program of the authorized pilot organization must, however, include regularly scheduled trips on vessels of 4,000 gross tons or over in the company of a registered pilot.

(16) *Association* means any organization that holds or held a Certificate of Authorization issued by the Director of Great Lakes Pilotage to operate a pilotage pool on the Great Lakes.

[26 FR 951, Jan. 31, 1961, as amended at 31 FR 9064, July 1, 1966; 32 FR 14220, Oct. 13, 1967; CGFR 68-78, 33 FR 9823, July 9, 1968; CGFR 70-29a, 35 FR 10434, June 26, 1970; CGD 74-233, 40 FR 41526, Sept. 8, 1975; CGD 78-144a, 44 FR 19362, Apr. 2, 1979; CGD 78-1445, 44 FR 64837, Nov. 8, 1979; 53 FR 34538, Sept. 7, 1988; 60 FR 18369, Apr. 11, 1995; 61 FR 5721, Feb. 14, 1996. Redesignated and amended at 61 FR 32655, June 25, 1996]

**§ 404.120 Federal reservation of pilotage regulations.**

No state, municipal, or other local authority shall require the use of pilots or regulate any aspect of pilotage in any of the waters specified in the Act. Only those persons registered as United States Registered Pilots or Canadian Registered Pilots as defined in this subpart may render pilotage services on any vessel subject to the Act and the Memorandum of Arrangements, Great Lakes Pilotage.

[26 FR 951, Jan. 31, 1961. Redesignated at 61 FR 32655, June 25, 1996]

**Subpart B—Registration of Pilots****§ 404.200 Application for registration.**

(a) An application for registration as a U.S. Registered Pilot shall be made on Form CG-4509, which shall be submitted together with a completed fingerprint chart and two full-face photographs, 1½ inches by 2 inches, signed on the face. These forms may be obtained from the Director.

(b) [Reserved]

[32 FR 14220, Oct. 13, 1967, as amended by CGD 78-144b, 44 FR 64837, Nov. 8, 1979. Redesignated at 61 FR 32655, June 25, 1996]

**§ 404.210 Requirements and qualifications for registration.**

(a) No person shall be registered as a United States Registered Pilot unless:

(1) The individual holds a license as a master, mate, or pilot, issued under the authority of the provisions of Title 52 of the Revised Statutes, and has acquired at least twenty-four months licensed service or comparable experience on vessels or integrated tugs and tows, of 4,000 gross tons, or over, operating on the Great Lakes or oceans. Those applicants qualifying with ocean service must have obtained at least six months of licensed service or comparable experience on the Great Lakes. Those applicants qualifying with comparable experience must have served a minimum of twelve months as a licensed deck officer.

(2) He is a citizen of the United States.

(3) He is of good moral character and temperate habits.

(4) He is physically competent to perform the duties of a U.S. Registered Pilot and meets the medical requirements prescribed by the Director.

(5) The individual has not reached the age of 70.

(6) He possesses a validated Merchant Mariner's Document issued by the Coast Guard.

(7) He agrees that he will be available for service under the terms and conditions as may be approved or prescribed by the Director.

(8) He has complied with the requirements set forth in § 404.220(b) for Applicant Pilots if applying for registration for waters in which a pilotage pool is authorized.

(9) He agrees to comply with all applicable provisions of this part and amendments thereto.

(b) Any person registered as a United States Registered Pilot pursuant to the provisions of this part whose application contains false or misleading statements furnished by the applicant in furtherance of his application shall be in violation of these regulations and may be proceeded against under § 404.250(a) or § 404.500.

[29 FR 10464, July 28, 1964, as amended at 31 FR 9065, July 1, 1966; 32 FR 14220, Oct. 13, 1967; CGD 78-144a, 44 FR 19363, Apr. 2, 1979; CGD 78-144b, 44 FR 64837, Nov. 8, 1979; 61 FR 5721, Feb. 14, 1996. Redesignated and amended at 61 FR 32655, June 25, 1996]

**§ 404.211 Requirements for training of Applicant Pilots.**

(a) The Director shall determine the number of Applicant Pilots required to be in training by each Association authorized to form a pool in order to assure an adequate number of Registered Pilots. No Applicant Pilot shall be selected for training unless:

(1) He meets the requirements and qualifications set forth in paragraphs (a) (1) through (4), (6), (7), and (9) of § 404.210.

(2) He shall not have reached the age of 60.

(3) He possesses a radar observer competency certificate or equivalent U.S. Coast Guard endorsement.

(b) For purpose of determining whether an applicant meets the experience requirements contained in § 404.210(a)(1), not more than twelve